

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-901 JJF
	:	
ILLUMINA, INC.,	:	
	:	
Defendant.	:	

ORDER

WHEREAS, on February 8, 2007, the Court held a pretrial conference at which the parties discussed the number of claims to be presented at the infringement phase of the trial scheduled to commence May 5, 2007;

WHEREAS, as evidenced in letters submitted to the Court (D.I. 375, 377, 380), the parties were unable to reach an agreement on the number of claims;

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff is limited to asserting twelve (12) claims total for the five patents in suit; however, claim 53 of U.S. Patent No. 6,646,243 may not be one of the twelve claims asserted.

February 26, 2007

  
UNITED STATES DISTRICT JUDGE